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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FIFTH SESSION

Report of the Sixth Committee

Rapporteur: Mr. Wael Kamal ABOULMAGD (Egypt)

I. INTRODUCTION

1. The item entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session" was included in the provisional agenda of the forty-seventh session of the General Assembly pursuant to Assembly resolutions 46/56 A and B of 9 December 1991.

2. At its 3rd plenary meeting, on 18 September 1992, the General Assembly on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session; 1/

(b) Report of the Secretary-General on the granting of travel assistance to least developed and other developing countries that are members of the United Nations Commission on International Trade Law (A/47/454);

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17).

(c) Letter dated 6 October 1992 from the Chairman of the Sixth Committee to the Chairman of the Fifth Committee (A/C.6/47/4);

(d) Letter dated 12 October 1992 from the Chairman of the Fifth Committee to the Chairman of the Sixth Committee (A/C.6/47/7).

4. The Sixth Committee considered the item at its 3rd to 5th, 9th and 37th meetings, on 23 and 24 September, 6 October and 19 November 1992. The summary records of those meetings (A/C.6/47/SR.3-5, 9 and 37) contain the views of the representatives who spoke on the Item.

5. At the 3rd meeting, on 23 September, Mr. José María Abascal Zamora (Mexico), Chairman of the United Nations Commission on International Trade Law at its twenty-fifth session, introduced the Commission's report on the work of that session. At the 5th meeting, on 24 September, the Chairman of the Commission made a closing statement.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6./47/L.4/Rev.1

6. At the 37th meeting, on 19 November, the representative of Austria introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session" (A/C.6/47/L.4/Rev.1), sponsored by Argentina, Austria, Brazil, Chile, Czechoslovakia, Denmark, Egypt, Finland, Greece, Guinea, Hungary, Kenya, Morocco, Myanmar, Nigeria, Norway, Poland, Spain, Sweden, Thailand, Turkey and Uruguay, later joined by Belarus, Cyprus, Colombia, France, Germany, India, Indonesia, Italy, Mexico and Russian Federation.

7. At the same meeting, the Committee adopted draft resolution A/C.6/47/L.4/Rev.1 without a vote (see para. 9).

8. The representative of Canada made a statement in explanation of position after the adoption of the draft resolution.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all

peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session, 2/

Mindful of the valuable contribution to be rendered by the United Nations Commission on International Trade Law within the framework of the United Nations Decade of International Law, particularly as regards the dissemination of international trade law,

Concerned about the relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, due in part to inadequate resources to finance the travel of such experts,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session;

2. Takes note with particular satisfaction of the completion and adoption by the Commission of the UNCITRAL Model Law on International Credit Transfers; 3/

3. Recommends that, in view of the current need for uniformity of the law applicable to international credit transfers, all States give due consideration to the enactment of legislation based on the Model Law;

4. Takes note with particular satisfaction of the completion and adoption by the Commission of the Legal Guide on International Countertrade Transactions;

2/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 17 (A/47/17).

3/ Ibid., annex I.

5. Recommends the use of the Legal Guide to parties involved in international countertrade transactions;

6. Recommends also that all efforts should be made so that the Legal Guide becomes generally known and available;

7. Notes with satisfaction the entry into force on 1 November 1992 of the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules), and requests the Secretary-General to make increased efforts to promote wider adherence to the Convention;

8. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

9. Reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia to provide such training and assistance, and, in this connection:

(a) Expresses its appreciation to the Commission for organizing two seminars on international trade law, the first held at Suva, Fiji, from 21 to 25 October 1991, and the second at Mexico City, on 20 and 21 February 1992, and to the Governments whose contributions enabled the seminars to take place;

(b) Invites Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for the United Nations Commission on International Trade Law symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

10. Expresses its appreciation to the Commission for organizing, as a contribution to the activities of the United Nations Decade of International Law, a Congress under the theme "Uniform commercial law in the twenty-first century", held in New York from 18 to 22 May 1992, during the last week of the twenty-fifth session of the Commission, which provided a useful assessment of the progress made to date in the unification and harmonization of international trade law and will assist the Commission and other organizations involved in the unification and harmonization of international trade law in laying out the course of their future work;

11. Repeats its invitation to those States that have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission;

12. Requests the Fifth Committee, in order to ensure full participation by all Member States, to continue to consider granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries that are members of the Commission at their request, in consultation with the Secretary-General, to enable them to participate in the sessions of the Commission and its working groups;

13. Recommends that the Commission pay special attention to the rationalization of the organization of its work and consider all possibilities for rationalization, in particular the holding of consecutive meetings of its working groups;

14. Requests the Secretary-General to submit a report on the implementation of paragraphs 12 and 13 of the present resolution to the General Assembly at its forty-eighth session.